

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:	:	Case No. 13-24733-GLT
	:	Chapter 13
MICHAEL T. FYALKOWSKI	:	
EDIE C. FYALKOWSKI	:	
	:	
Debtors.	:	
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MICHAEL T. FYALKOWSKI	:	
EDIE C. FYALKOWSKI ,	:	Related to Dkt. No. 31
	:	
Movants,	:	
	:	
v.	:	
	:	
GOLDMAN SACHS MORTGAGE	:	
COMPANY servicer OCWEN LOAN	:	
SERVICING, LLC	:	
	:	
Respondents.	:	
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**ORDER VACATING LOSS MITIGATION ORDER**

This matter initially came before the Court upon the Amended Notice of Request for Loss Mitigation [Dkt. No. 25] filed by the Debtors, Michael T. Fyalkowski and Edie C. Fyalkowski. The motion sought entry into the Court's loss mitigation program ("LMP") with respect to the real property located at 723 Sciandor Drive, Greensburg, PA 15601. Goldman Sachs Mortgage Company servicer Ocwen Loan Servicing, LLC holds a first mortgage against the property, and the Debtor(s) sought a modification of their loan obligation.

The Court issued a *Loss Mitigation Order* [Dkt. No. 31] granting the Debtor(s) entry into LMP on February 28, 2014. The *Loss Mitigation Order* required the Debtor to upload a completed initial package to the loss mitigation portal on or before April 4, 2014 and to file a

*Loss Mitigation Status Report* on or before April 29, 2014. According to the terms of the *Loss Mitigation Order*, LMP terminated on May 29, 2014.

The Debtor(s) failed to meet the deadlines established by the *Loss Mitigation Order* as evidenced by the fact that the docket reflects no *LMP* activity after the entry of the *Loss Mitigation Order*. Based upon the record, the Court concludes that the loss mitigation process never commenced in earnest.

**AND NOW**, based upon the foregoing, it is hereby **ORDERED, ADJUDGED,** and **DECREED** that:

1. The *Loss Mitigation Order* dated February 28, 2014 [Dkt. No. 31] is **VACATED**.
2. The relief provided under this *Order* will become effective September 30, 2016 unless, on or before **September 19, 2016**, a party files a written objection setting forth the reasons why the *Loss Mitigation Order* should not be vacated.
3. The Clerk is directed to close the above-captioned case.

Dated: September 2, 2016

  
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GREGORY L. TADDONIO **cgt**  
UNITED STATES BANKRUPTCY JUDGE

Case Administrator to Mail to:  
Debtors  
Debtors' Counsel  
Ronda J. Winnecour, Esq.  
Office of the U.S. Trustee

**Certificate of Notice Page 3 of 3**  
United States Bankruptcy Court  
Western District of Pennsylvania

In re:  
Michael T. Fyalkowski  
Edie C. Fyalkowski  
Debtors

Case No. 13-24733-GLT  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: aala  
Form ID: pdf900

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Sep 02, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 04, 2016.

db/jdb +Michael T. Fyalkowski, Edie C. Fyalkowski, 723 Sciandro Drive, Greensburg, PA 15601-4671

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 04, 2016

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 2, 2016 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor GOLDMAN SACHS MORTGAGE COMPANY  
agornall@goldbecklaw.com, bkgroup@goldbecklaw.com; bkgroup@kmlawgroup.com  
Anthony T. Kovalchick on behalf of Creditor Dep't of Revenue Office of Attorney General  
akovalchick@attorneygeneral.gov  
Corey J. Sacca on behalf of Debtor Michael T. Fyalkowski csacca@bononilaw.com,  
coreysacca@gmail.com; bankruptcy@bononilaw.com; bononiecmail@gmail.com  
Corey J. Sacca on behalf of Joint Debtor Edie C. Fyalkowski csacca@bononilaw.com,  
coreysacca@gmail.com; bankruptcy@bononilaw.com; bononiecmail@gmail.com  
David Neeren on behalf of Creditor GOLDMAN SACHS MORTGAGE COMPANY dneeren@udren.com,  
vbarber@udren.com  
David Neeren on behalf of Creditor Ocwen Loan Servicing, LLC as Servicer for Goldman Sachs  
Mortgage Company dneeren@udren.com, vbarber@udren.com  
Leslie J. Rase, Esq. on behalf of Creditor Goldman Sachs Mortgage Company by its attorney in  
fact Ocwen Loan Servicing, LLC lrased@sterneisenberg.com,  
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Stuart P. Winneg on behalf of Creditor Goldman Sachs Mortgage Company swinneg@udren.com,  
cblack@udren.com

TOTAL: 12